

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (original): A polynucleotide comprising a promoter from human telomerase and at least one E1 gene.

Claim 2 (original): The polynucleotide according to claim 1, wherein the E1 gene is an adenovirus-derived E1 gene.

Claim 3 (currently amended): The polynucleotide according to claim 1 ~~or 2~~, wherein the promoter from human telomerase is hTERT.

Claim 4 (currently amended): The polynucleotide according to ~~any one of claims 1 to 3~~ claim 1, wherein the E1 gene comprises an E1A gene, an IRES sequence and an E1B gene in this order.

Claim 5 (currently amended): A virus comprising the polynucleotide according to ~~any one of claims 1 to 4~~ claim 1.

Claim 6 (original): The virus according to claim 5, wherein the virus is an adenovirus.

Claim 7 (currently amended): An anticancer agent comprising the virus according to claim 5 ~~or 6~~ as an active ingredient and a pharmaceutically acceptable carrier, excipient or diluent.

Claim 8 (currently amended): A method of treating a cancer, comprising using the virus according to claim 5 ~~or 6 or using the anticancer agent according to claim 7~~.

Claim 9 (original): The method according to claim 8, wherein the cancer is at least one cancer selected from the group consisting of stomach cancer, large bowel cancer, lung cancer, liver cancer, prostate cancer, pancreas cancer, esophagus cancer, bladder cancer, gallbladder/bile duct cancer, breast cancer, uterine cancer, thyroid cancer and ovarian cancer.

Claim 10 (original): The method according to claim 9, wherein the cancer is at least one selected from the group consisting of osteosarcoma and brain tumor.

Claim 11 (new): A method of treating cancer, comprising using the anticancer agent according to claim 7.